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BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

WARREN PRESTON GLEASON, Ph.D.
2950 Pacific Avenue
Stockton, CA 95204

Psychology License No. PSY-5243,

Respondent.

Case No. W-192

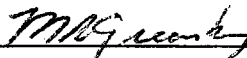
OAH No. N2000080523

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Psychology as its Decision in the above-entitled matter.

This Decision shall become effective on May 25, 2001.

IT IS SO ORDERED April 25, 2001.



Martin R. Greenberg, Ph.D.
President, Board of Psychology
Department of Consumer Affairs

OAH 15 (Rev. 6/84)

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PROPOSED DECISION

This matter came on regularly for hearing before Jaime René Román, Acting Presiding Administrative Law Judge, Office of Administrative Hearings, in Sacramento, California, on March 26, 2001.

Complainant Thomas S. O'Connor was represented by Robert C. Miller, Deputy Attorney General, Health Quality Enforcement Section, Department of Justice, State of California.

Respondent Warren Preston Gleason, Ph.D. ("respondent"), having received notice of the time, date and place of hearing, failed to appear.¹

Evidence was received and the matter deemed submitted on August 17, 2000.

FACTUAL FINDINGS

1. Complainant Thomas S. O'Connor filed the Accusation against respondent solely in his official capacity as the Executive Officer of the Board of Psychology ("the Board"), State of California.

¹ A copy of a letter addressed to Mr. Miller was sent and filed by the Office of Administrative Hearings; it was not, however, received in evidence.

2. On December 30, 1977, the Board issued Psychology License Number PSY-5243 to respondent. Said license is in full force and effect.

3. Between January 19, 1995 and April 11, 1996, respondent operated a clinic providing psychological services² to the indigent eligible for Medi-Cal benefits. Rather than personally providing such services himself, respondent regularly employed psychological assistants. Clients were directed by either respondent or respondent's assistants to represent, if asked, that psychological services were being rendered by respondent himself.

A. On January 19, 1995, Cheryl B., a then-30 year old female, presented at respondent's clinical office for psychological services. She was seen by a psychological assistant and subsequently scheduled another appointment for February 2, 1995. Respondent did not personally render professional services, including tests, to Ms. B. on January 19, 1995. Thereafter, respondent filled out and completed a health insurance claim form for payment from Medi-Cal wherein he represented that he had provided services to Ms. B. on January 19, 1995, which included test administration, test scoring, and case conferencing.

B. On February 2, 1995, Ms. B. neither kept her appointment nor received any services from respondent. Respondent nevertheless filled out and completed a health insurance claim form for payment from Medi-Cal wherein he represented that he had provided services to Ms. B. on February 2, 1995, which included test administration, test scoring, and test report writing.

C. On June 5, 1995, an undercover operative posing as Medi-Cal patient "John Dawson" presented at respondent's clinical office for psychological services. He was seen by a psychological assistant and subsequently scheduled another appointment for June 12, 1995. Respondent did not personally render professional services, including tests, to Mr. Dawson on June 5, 1995. Thereafter, respondent filled out and completed a health insurance claim form for payment from Medi-Cal wherein he represented that he had provided services to Mr. Dawson on June 5, 1995, which included test administration, test scoring, and case conferencing.

D. On June 12, 1995, Mr. Dawson neither kept his appointment nor received any further services from respondent at any other time. Respondent nevertheless filled out and completed a health insurance claim form for payment from Medi-Cal wherein he represented that he had provided services to Mr. Dawson on June 12, 1995, which included test administration, test scoring, and test report writing. Respondent thereafter filled out and completed additional health insurance claim forms for Medi-Cal payments wherein he represented that he provided psychological services to Mr. Dawson on July 12 and July 19, 1995.

² Services included psychological testing.

E. On March 21, 1996, an undercover operative posing as Medi-Cal patient "Paul Schy" presented at respondent's clinical office for psychological services. He was seen by a psychological assistant and subsequently scheduled another appointment, to be accompanied by his wife, for April 11, 1996. Respondent did not personally render professional services, including tests, to Mr. Schy on March 21, 1996. Thereafter, respondent filled out and completed a health insurance claim form for payment from Medi-Cal wherein he represented that he had provided services to Mrs. Judy Schy on March 21, 1996, which included test administration, test scoring, and case conferencing.

F. On April 11, 1996, Mr. Schy, accompanied by a female undercover operative posing as his wife, "Judy Schy," presented at respondent's clinical office for subsequent and joint psychological services. Both Mr. and Mrs. Schy were seen by a psychological assistant. Neither was professionally seen by respondent. Respondent thereafter filled out and completed a health insurance claim form for payment from Medi-Cal wherein he represented that he had provided services to Mrs. Judy Schy on April 11, 1996, which included test administration, test scoring, and test report writing.

Circumstances in Mitigation

4. Respondent, having failed to appear, proffered no competent or credible evidence relating to mitigation, rehabilitation, or extenuation.

Circumstances in Aggravation

5. Respondent, by his conduct as set forth in Finding 3, has engaged in multiple acts of moral turpitude.

Costs Findings

6. The Board has incurred reasonable costs of \$8,268 in the investigation, prosecution, and enforcement of this matter.

LEGAL CONCLUSIONS

1. Cause exists to revoke or suspend the psychology certificate of respondent for unprofessional conduct involving the commission of dishonesty, corruption, or fraudulent acts pursuant to Business and Professions Code §2960(n) as set forth in Findings 3 and 5.

2. Cause exists to order respondent to pay \$8,268 as and for the reasonable costs of investigation, prosecution, and enforcement of this matter pursuant to the provisions of Business and Professions Code §125.3 and as set forth in Legal Conclusion 1.

ORDER

1. Psychology License Number PSY-5243 issued to respondent Warren Preston Gleason, Ph.D., is revoked.
2. Respondent Warren Preston Gleason, Ph.D. is ordered to pay forthwith the sum of \$8,268 to the Board of Psychology, State of California.

Dated: _____

3/29/01



JAIME RENÉ ROMÁN

Acting Presiding Administrative Law Judge
Office of Administrative Hearings

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation Filed
Against:

Warren Preston Gleason, Ph.D.

No. : W192

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Warren Preston Gleason, Ph.D.
2950 Pacific Avenue
Stockton, CA 95204

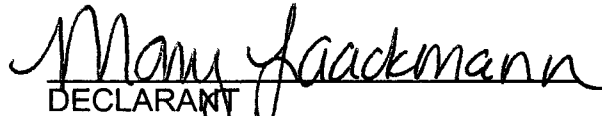
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Robert C. Miller
Deputy Attorney General
1300 I Street, Suite 125
Sacramento, CA 95814

Jaime René Román, ALJ
Office of Administrative Hearings
560 J Street, Suite 300
Sacramento, CA 95814

Each said envelope was then on, April 25, 2001, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, April 25, 2001, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst

B
1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL, Supervising
Deputy Attorney General
3 FRED A. SLIMP II
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, California 94244-2550
6 Telephone: (916) 324-7861
Facsimile: (916) 327-2247

7 Attorneys for Complainant

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9
10 BEFORE THE
BOARD OF PSYCHOLOGY
11 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No.W. 192

13 WARREN PRESTON GLEASON, PH.D.
14 2950 Pacific Avenue
Stockton, CA 95204

ACCUSATION

15 Psychology License No. PSY-5243,

16 Respondent.

17
18
19 Complainant alleges:

20 PARTIES

21 1. Thomas S. O'Connor ("Complainant") brings this accusation solely in his
22 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
23 Affairs.

24 2. On or about December 30, 1977, the Board of Psychology issued
25 Psychology License Number PSY-5243 to Warren Preston Gleason, Ph.D. ("Respondent"). The
26 Psychology License was in full force and effect at all times relevant to the charges brought herein
27 and will expire on April 30, 2001, unless renewed.
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1 on that or any other date. At no time was psychological testing administered to Cheryl B. on
2 January 19, 1995, nor was psychological testing of Cheryl B. scored by respondent or anyone in
3 respondent's offices on that date. Cheryl B. scheduled another appointment for psychological
4 services in respondent's offices for February 2, 1995, but did not keep the appointment for
5 February 2, 1995 and in fact never received psychological services from or at respondent's
6 psychological offices again at any time after January 19, 1995.

7 10. Thereafter respondent filled out and submitted Health Insurance Claim
8 Form number 51564315173 for payment from Medi-Cal in which he falsely represented that he
9 had provided services to Cheryl B. on January 19, 1995, and that such services consisted of test
10 administration, test scoring, and case conferencing.

11 11. Respondent also thereafter filled out and submitted Health Insurance
12 Claim Form number 51564315174 for payment from Medi-Cal in which he falsely represented
13 that he had provided services to Cheryl B. on February 2, 1995, and that such services consisted
14 of test administration, test scoring, and test report writing.

15 12. Respondent's conduct as set forth in paragraph 10 or paragraph 11, above,
16 constitutes unprofessional conduct within the meaning of Code section 2960(n).

17 SECOND CAUSE FOR DISCIPLINE
18 (Dishonest/Corrupt/Fraudulent Act)
19 [Bus. & Prof. Code § 2960(n)]

20 Client "John Dawson"

21 13. On or about June 5, 1995, an undercover operative posing as Medi-Cal
22 client "John Dawson", was seen in respondent's offices for psychological services. "John
23 Dawson" was not seen professionally by respondent on June 5, 1995, and respondent provided
24 no psychological services to "John Dawson" on that or any other date. At no time was
25 psychological testing administered to "John Dawson" on June 5, 1995, nor was psychological
26 testing of "John Dawson" scored by respondent or anyone in respondent's offices on that date.
27 Another appointment was scheduled for "John Dawson" for psychological services in
28 respondent's offices for June 12, 1995, but the undercover operative posing as "John Dawson"
did not keep the appointment for June 12, 1995 and in fact never received psychological services

1 from or at respondent's psychological offices again at any time after June 5, 1995.

2 14. Thereafter respondent filled out and submitted Health Insurance Claim
3 Form number 52293410053 for payment from Medi-Cal in which he falsely represented that he
4 had provided services to "John Dawson" on June 5, 1995, and that such services consisted of test
5 administration, test scoring, and case conferencing.

6 15. Respondent also thereafter filled out and submitted Health Insurance
7 Claim Form number 52293410067 for payment from Medi-Cal in which he falsely represented
8 that he had provided services to "John Dawson" on June 12, 1995, and that such services
9 consisted of test administration, test scoring, and test report writing.

10 16. Respondent also thereafter filled out and submitted Health Insurance
11 Claim Form number 52293410062 for payment from Medi-Cal in which he falsely represented
12 that he had provided services to "John Dawson" on July 12, 1995 and on July 19, 1995, and that
13 such services consisted of psychotherapy on both dates.

14 17. Respondent's conduct as set forth in paragraph 14 or paragraph 15 or
15 paragraph 16, above, constitutes unprofessional conduct within the meaning of Code section
16 2960(n).

17 THIRD CAUSE FOR DISCIPLINE
18 (Dishonest/Corrupt/Fraudulent Act)
19 [Bus. & Prof. Code § 2960(n)]

20 Clients "Paul Schy" and "Judy Schy"

21 18. On or about March 21, 1996 and April 11, 1996, undercover operatives
22 posing as joint Medi-Cal clients "Paul Schy" and "Judy Schy" were seen in respondent's offices
23 for psychological services; "Paul Schy" was seen individually on March 21, 1996 and "Paul
24 Schy" and "Judy Schy" were seen conjointly on April 11, 1996. Neither "Paul Schy" nor "Judy
25 Schy" was seen professionally by respondent on March 21, 1996 or April 11, 1996, and
26 respondent provided no psychological services to "Paul Schy" or to "Judy Schy" on those or any
27 other dates. At no time was psychological testing administered to "Paul Schy" or to "Judy Schy"
28 on March 21, 1996 or on April 11, 1996, nor was psychological testing of "Paul Schy" or "Judy
Schy" scored by respondent or anyone in respondent's offices on those or any other dates.

Undercover operatives "Paul Schy" and "Judy Schy" never received psychological services from or at respondent's psychological offices again at any time after April 11, 1996.

19. Thereafter respondent filled out and submitted Health Insurance Claim Form number 61343441069 for payment from Medi-Cal in which he falsely represented that he had provided services to "Judy Schy" on March 21, 1996, and that such services consisted of test administration, test scoring, and case conferencing.

20. Respondent also thereafter filled out and submitted Health Insurance Claim Form number 61343441070 for payment from Medi-Cal in which he falsely represented that he had provided services to "Judy Schy" on April 11, 1996, and that such services consisted of test administration, test scoring, and test report writing.

21. Respondent's conduct as set forth in paragraph 19 or paragraph 20, above, constitutes unprofessional conduct within the meaning of Code section 2960(n).

PRAYER

WHEREFORE complainant requests that a hearing be held on the matters herein alleged and that, following the hearing, the Board of Psychology issue a decision:

1. Revoking or suspending Psychology License Number PSY-5243 issued to Warren Preston Gleason, Ph.D.;

2. Ordering Warren Preston Gleason, Ph.D. to pay the Board of Psychology the reasonable costs of the investigation and enforcement of this case and, if placed on probation, the costs of probation monitoring; and

3. Taking such other and further action as the Board of Psychology may

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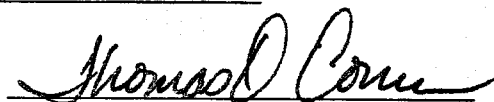
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1 deem necessary or proper.

2 DATED: August 2, 2000

3 

4 THOMAS S. O'CONNOR
5 Executive Officer
6 Board of Psychology
7 Department of Consumer Affairs
8 State of California

9 Complainant

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11 2Accusation.wpt 6/19/00

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